Division Bench (4)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. [C] No. 88 /2007

PETITIONER : **D.K. STEEL INDUSTRIES**
Through its Propritor
Dinesh Kumar Saraf
S/o Shri Prabhu Dayal Saraf
Aged about 43 Yrs.
R/o D.K. Steel Industries,
Seepat Road, Jora Talab
Bandhwapara, New Sarkanda
Bilaspur, Distt – Bilaspur [C.G.]

P.R. No. 333/07
Presented by Shri Manish Sharma
dated 10/11/07

VERSUS

RESPONDENT :

1. State of Chhattisgarh,
through Secretary, Adim Jati
Tatha Anusuchit JAti Vikas
Department, D.K.S. Bhawan,
Raipur [C.G.]

RECEIVED-COPY
10/11/07
CLERK to A. G. BILASPUR

2. Commissioner,
Adim Jati Tatha Anusuchit
Jati Vikas, Pt. Ravi Shankar
Shukla University Campus,
Raipur [C.G.]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, WRITS, ORDER, DIRECTIONS ETC.

COMMISSIONER

(47)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DB : HON'BLE SHRI VIJAY KUMAR SHRIVASTAVA
AND HON'BLE SHRI DHIRENDRA MISHRA, JJ

W.P. (C) No. 68 OF 2007

Petitioner D.K. Steel Industries

Versus

Respondents State of Chhattisgarh and others

Present: Shri Maneesh Sharma, Advocate for the petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the respondents.

ORDER
(15-1-2007)

The order of the Court was passed by Vijay Kumar Shrivastava, J:-

2. Respondents vide advertisement dated 28-11-2006 floated tender notice calling bids for Saloon Box with Belt and Saloon Kit. Eleven bidders came forward. Out of 11, 10 could not qualify the technical specifications, therefore, their bids were rejected at the threshold. Only the petitioner remained qualified but his bid was not opened and instead a fresh notice inviting tenders was floated by advertisement dated 28-12-2006.

3. Petitioner's contention is that though he alone remained in the run yet rate offered by him was not opened and instead of opening his bids, another tender by impliedly cancelling the earlier tender notice have been issued. Therefore, he is in all fairness entitled for getting opened his bids. On the other hand, learned counsel for the respondents contended that tender notice itself contains a condition that rights to reject have been kept reserved by the Commissioner, Adim Jati Tatha Anusuchit Jati Vikas Department, Raipur, therefore, when there remained no open competition, it became necessary for the State to call for a fresh tender.

3. Petitioner's right to participate in fresh tender process has not been taken away and apparently when the aim of calling the tender failed because of technical specification, it was in all fairness to call for a fresh tender so that competitors may not be deprived of from taking part in open competition and their right may not be infringed. That apart, as per tender notice itself, it was well within the jurisdiction of the State to accept or reject any tender furnished by any of the competitors.

4. In the result, we do not find any substance in the petition, therefore, the petition is liable to be dismissed and is accordingly dismissed.

5. Consequently, M.W.P. No. 107/2007 and I.A. No. 358/2007 stand disposed of.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Dhirendra Mishra
Judge